

**LAKWOOD TOWNSHIP COMMITTEE
MEETING MINUTES
NOVEMBER 10, 2005 • 7:30 PM**

The Lakewood Township Committee held a Meeting on Thursday, November 10, 2005 in the Lakewood Municipal Building, at 6:30 P.M. for the Executive Session, and 7:30 P.M. for the Conference Meeting, with the following present:

Mayor.....	Charles Cunliffe
Deputy Mayor.....	Meir Lichtenstein
Committee Members.....	Menashe Miller
	Senator Robert Singer
	Raymond Coles
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Edward Delanoy
Municipal Clerk.....	Bernadette Standowski

CLOSED SESSION

Motion by Mr. Coles, second by Mr. Miller.
Resolution No. 2005-414 – Adopted.

SALUTE TO THE FLAG

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, by Resolution of the Township Committee adopted January 2, 2005 and published in the Ocean County’s Observer on January 7, 2005.

ROLL CALL

Motion by Mr. Coles, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 8/25/05

Motion by Mr. Coles, second by Mr. Miller, and carried, to approve the above Minutes.
Senator Singer abstained.

MOTION TO APPROVE CLOSED SESSION MINUTES OF: 11/3/05

Motion by Mr. Coles, second by Mr. Miller, and carried, to approve the above Closed Session Minutes.

PRESENTATIONS:

- T & M Associates - Initial Plan Endorsement

Mayor Cunliffe announced they have a very important presentation on two issues: the Initial Plan Endorsement and a change in the B-5 Zone. They are very pleased this evening to have Mr. Stan Slachetka, from T & M Associates.

As Deputy Mayor Lichtenstein has been working on the Initial Plan Endorsement, he asked that he give a brief overview before they turn it over to Mr. Slachetka.

Deputy Mayor Lichtenstein advised that CAFRA, which the NJDEP under whose jurisdiction CAFRA falls, and the Office of Smart Growth, had different visions when they were making their decisions. It left a lot of the municipalities in a position where they had to have certain applications in on time in order to be able to continue to use the land without having the DEP have very tight control over it. The DEP was going to drop some very valuable land to impervious coverage, as low as thirty percent, which totally devalues the land. They had the good fortune of being able to get to Trenton and speak to the Commissioner at DEP, who guided them and told them what they needed the Township to do in order to get the application in on time, with some of the surrounding municipalities. He believes they made it on time. Part of their deadline is to get this application in at the proper time, which they hope to do over the next month.

Mr. Slachetka offered a detailed presentation with regard to Lakewood Township's Initial Plan Endorsement application.

Over the past ten days, pursuant to public notice requirements, as part of this planned endorsement process, and specifically the requirements for this public hearing on the Township's Plan Endorsement application, there has been on file at the Clerk's Office a full copy of the application and supporting materials and documents that will be submitted to the Office of Smart Growth which is the agency that staffs the State Planning Commission. You have the opportunity of reviewing the document at this public hearing, and he passed out the text component of that application to the Committee Members. This document will also be on file in the Township Clerk's Office after this evening's meeting, and that in addition to having the opportunity in making public comments this evening, you will also have the opportunity over the course of next week, until November 17th, to submit comments in writing to the Township if you so chose to do so.

The Plan Endorsement Process is a very simple process to describe, but is a very complicated process to undertake. The Plan Endorsement Process is, and the application and petition for Plan Endorsement by the Township is, that they send copies of the Township's planning documents, including the Master Plan, Zoning Ordinance, information about the Urban Enterprise Zone, information about the Township's various Redevelopment Plans, other related planning documents, information about infrastructure, all down to the Office of Smart Growth, which is the agency that staffs the State Planning Commission, which is the review body that takes a look at all these documents, and the Township's application, and makes a determination of whether or not the Township's planning documents are consistent with the State Development and Redevelopment Plan, which is the adopted State plan, adopted by the State Planning Commission. Simply put, that is the process.

Mr. Slachetka continued with his presentation of the details of the Township's submission and review of the Initial Plan Endorsement in order for the plan to be implemented.

As part of the application, they have proposed and submitted to the Office of Smart Growth and the State Planning Commission, a proposed Planning Implementation Agenda, that will be reviewed, and they will receive comments back on that.

The Township's opinion and perspective on this, is the communities' planning documents in fact are substantially consistent with the State Plan, and they are hoping to get an affirmative response from the State Planning Commission.

The presentation continued with the benefits to the Township for participating in the Plan Endorsement Process.

There are a number of benefits, and they are primarily two-fold. One is getting technical assistance and state support from various state agencies for the implementation of the Township's plans and programs. Another benefit is the prioritization for state aid programs. The third benefit is to be able to be in a position where they can restore the previously designated CAFRA Coastal Center for the Township.

The presentation continued with the points, details, and specifics of the application to be filed.

Pursuant to the procedures of the Plan Endorsement Process, they are required to have public outreach about the process and Plan Endorsement Application. This public meeting is part of that process, for the public to have had the review of the application and to be able to present comments. This is a required part of that process, and it must occur. There will be a recording of the Minutes and a summary of the Minutes that will be provided to the Office of Smart Growth and the State Planning Commission when they submit the application. As part of this process, on the Township's Agenda this evening, is a Resolution by the governing body endorsing the application. That is a required part of the process. They have another week for which the period of written comments from the public are open, through November 17th. When that period is over, they can incorporate the comments, as necessary, and compile the application package and submit it by the end of this month to the Office of Smart Growth and the State Planning Commission. They will in turn have sixty days to review the application and make sure it is complete. If not, they will advise what additional information must be submitted. The reason it is very important that the application be submitted by the end of November is because that keeps them on a timetable to get deemed complete by March, 2006, which is one of the benchmark dates set forth in the procedures under the new CAFRA regulations for the Township to have boundaries set down.

Mayor Cunliffe asked if it was inappropriate in Section 3 where they talk about Lakewood vision and public participation if they include in there the town may not have direct control over, but they would like to see as a vision, in other words, the dualization of Route 9, the return of railroad service to Lakewood, or is that something that would be looked poorly upon by the State.

Mr. Slachetka answered that if you identify those as some key planning concerns and issues, he does not see that as a problem as part of the application. Obviously, the DOT will be reviewing the planning documents and it is important for the public to know that the Township has been working with the DOT as part of the Smart future grant, part of that is with regard to the Township's participation and involvement in some of the regional planning activities along the Route 9 corridor.

Mr. Slachetka continued that as part of the Plan Endorsement Application, and also the Township is participating in the Cross Acceptance Process of the State Plan, which is going on concurrently with this Plan Endorsement Process, in which the counties and municipalities are reviewing the proposed version of the State Plan, as part of that Cross Acceptance Process, the Township had made recommendations for revisions in the State Plan planning areas within the Township. The planning areas are very important because they govern the various statewide planning objectives.

Mr. Slachetka continued the presentation by showing a map of the existing State Plan planning areas, and pointed out the area in which Lakewood Township is located, and the various planning areas. This map, and recommendations, were made and presented as part of the Plan Endorsement Application. The Plan Endorsement process will either get an affirmation or some other comment back from the State Planning Commission and the other state agencies whether or not they concur.

This application before the State Planning Commission does not change or alter any of the Township's planning documents or its Master Plan; no amendments to the Master Plan are being proposed by this, no amendments to the UDO are being proposed, nothing changes in terms of what the Urban Enterprise Zone is doing with its own plan and program, nothing is being changed. This is just taking the existing documents, providing them to the State, having them have an opportunity to review it, and make a determination as to whether or not those planning documents are consistent with the State Development and Redevelopment Plan.

Senator Singer asked if they are not successful with the plan, what is the buffering zone going to have to be for the wetlands.

Mr. Slachetka answered that is a separate issue. That will not be affected by the Plan Endorsement process. The stream regulations that the NJDEP has adopted are not affected. Any application for development would be a separate issue.

Senator Singer advised that in Jackson they have to do trade-offs; will they have to do that in Lakewood.

Mr. Slachetka stated that if you want to have some modification of the C-1 stream buffers, there is going to have to be some level of trade-off.

Senator Singer asked if any of the housing sites are affected by that buffer.

Mr. Slachetka answered no; if you look at the map, the buffer areas are in a certain area, and the housing sites are in a different area. The primary environmental factor that is affecting those sites is the threatened and dangerous species designations under the state database. They had a very productive meeting with Commissioner Campbell with respect to the NJ Hand site in particular, and they are looking very strongly into it, because of the fact there are no other critical environmental factors, such as C-1 streams, the possibility of modifying the standards and regulations, or grandfathering in, or creating exceptions for the sites that are being developed fully for affordable housing purposes, because of the important public purpose that the provision of affordable housing actually advances. They are hoping that it continues into the new administration, that as the rules are re-proposed, that this is incorporated into the new CAFRA regulations.

Senator Singer stated that the major concern that he has is not with DEP, it is with Fish & Game. He has seen where DEP has signed off, and then right before they are ready to grant the CAFRA permit, Fish & Game has stepped in. Are they going to be on board with that?

Mr. Slachetka answered that is another benefit of the Plan Endorsement Process. If they get Plan Endorsement, it will identify the affordable housing sites. And ultimately, if the Township's affordable housing plan gets adopted as part of the Master Plan, it would identify those sites. If you receive Plan Endorsement, it puts everyone on board to assist all the state agencies in plan implementation.

Mayor Cunliffe asked if they could include the railroad as one of their visions, where they encourage the State to support this.

Mr. Slachetka answered that this is in there. They have included it as one of their objectives.

Mayor Cunliffe asked about the dualization of Route 9. He would also like that included.

Mr. Slachetka answered that could be identified in the application.

Mayor Cunliffe opened the floor for comments or questions from the public on this Plan Endorsement.

Abraham Penzer, Esq., appearing on behalf of NJ Hand – Stated that the Committee has come up with a brilliant idea for providing affordable housing. There are three projects that are currently approved; they are the largest project, approximately forty acres. In February of this year, they were under CAFRA regulations, allowing eighty percent impervious coverage, and they were allowed a different type of stormwater management. By losing this coastal center designation they are now under a thirty percent impervious coverage, and the thirty percent includes sidewalks and driveways, which were never included before. So if you are in an area that is designated as CAFRA, either the house is going to be as small as an outhouse, because most of it is going to be lost with having a driveway and sidewalk, you are not going to be able to build anything. What it does specifically to their site is that they will lose eighty percent of what they could develop based on what is in the UDO Ordinance and what is allowed if they do not receive this designation. This will be a tremendous hardship. The DEP and the Fish and Wildlife people have decided

by looking at a GSP that says they have a barn owl and certain snake there; unfortunately for them, they have an actual report that says they are not there. Mr. Slachetka has been fighting, both on the Township side, and to try to assist them. At this time, all is silent, and no one is assisting them, as they have waited for many months for a decision from Fish & Wildlife. Other parts of the DEP are sympathetic to their cause, but Fish & Wildlife is holding them up at this point. They are holding up a beautiful project that can help people.

Mr. Slachetka introduced Vanessa Morin who works on the planning staff at T & M Associates, and is a former staff person of the Office of Smart Growth. She has provided them with valuable knowledge about the process.

Noreen Gill – Asked questions pertaining to various areas on the map, including removal of trees, wetlands, and open space.

Mr. Slachetka explained that the wetlands designated are generalized locations of wetland areas. All wetlands have to be delineated on a site specific basis, and depending on the category of the wetlands, and they do not know that, and there is no way of knowing that with just this information, the buffer area could vary depending on the classification, if in fact those wetlands actually exist.

Mayor Cunliffe confirmed that the area Mrs. Gill is referring to has been designated as a wetlands area that can not be developed.

Mr. Slachetka also advised that in the affordable housing ordinances that were recently adopted for the NJ Hand site and other sites, it provides for a tree preservation corridor as part of the various projects.

Mrs. Gill asked if they work on a percentage of trees; can they designate it.

Mayor Cunliffe stated that is something she can bring up under the re-examination of the Master Plan. They have a 1999 plan, they have an existing UDO, what they need is for the state to adopt that, and go with what they already have on the books. When they did the Master Plan and the UDO, they had a CAFRA footprint at that time, and they need to have that CAFRA put back to the way it was when everyone was doing their planning and designation and the Master Plan. That is the key part of this.

Mr. Slachetka added that the Plan Endorsement process does not affect the Township's ongoing planning efforts including the updating of the Master Plan.

Mrs. Gill asked if the updating of the Master Plan will be starting soon.

Mayor Cunliffe answered yes.

Mrs. Gill asked if this is the only public hearing on this matter. She did not know that the Resolution would be on the Agenda tonight.

Mr. Slachetka advised there was a separate public notice, and part of that notice was that these documents and application are on file in the Clerk's Office, and these are all

existing documents; nothing new. These documents are available for public viewing in the Township Clerk's Office, and you can comment up until November 17th.

Russ Corby, Executive Director of Urban Enterprise Zone, advised they were the lead agency for getting Smart Growth grant funds for the initial cross acceptance for Ocean County. As of January of this year, the areas you talked about to be included in the CAFRA area were accepted by the County. That begin this process of actually putting the Endorsement Plan together. They are now in the process that by February 6th, if they allow the plan in, those areas will be maintained. This is where Lakewood Township has to go in terms of existing development, and future development.

Bill Hobday – Trying to understand process. He asked if there is a state agency that does not approve of this.

Mayor Cunliffe answered there were CAFRA rules and regulations and a footprint that existed in Lakewood. The CAFRA footprint, for lack of a better word, sunsetted, and the rules changed. There were some political machinations on the state level that caused that. It left municipalities in the lurch that have already had a Master Plan, had a vision for what they were doing. You do all that work and then the rules change. What they are doing is they are doing a Plan Endorsement, and the biggest thing they want to do is get back what they used to have when this was put in writing. That is all they are asking for. And then the other ramifications. There are technical assistance and financial assistance that are available if they get the state endorsement of the plan. They did not do anything wrong. All they are trying to do is get what they have, approved, most importantly, they want to get the CAFRA rules and that footprint back to where it was so they may move forward.

Senator Singer added that the State decided they wanted to see growth and non-growth areas in the state. That is why the State Planning Commission was set up. They notified the municipalities about the plan of change and they gave the municipalities the right if they wished to see the reasons why it should not happen. This is the process they are going through right now. They took a look at what the State said. It did not fit. The initial plan did not square off Lakewood. Parts of Lakewood were not even in it. Properties were cut in half originally. They had to go back and say that that the State did not take a look at Lakewood directly. Lakewood has certain objections to it, and wants to see it changed, and modify what is existing now. Here is the modification plan, and that will either be accepted by them or not. But that is going on in every municipality that is affected. Had we not gotten into the County plan, we would be out of luck. Because we are in the County plan, and because we have done things in a timely fashion, we can do this.

Seeing no one else wishing to be heard, Mayor Cunliffe closed the hearing to the public.

Mayor Cunliffe thanked everyone for their hard work and the presentation. They are hopeful they will be successful with the State adopting Lakewood's plan.

Mr. Slachetka thanked everyone; they appreciate the Township's support. His involvement with the community has been a pleasure. Working with groups such as NJ Hand, and the others, has been a very rewarding process. He emphasized they have a lot of work to do. This is not an easy process. They have to continue with it on a day by day, week by week, month by month basis.

- B-5 Zone

Mr. Slachetka advised this would be an amendment to the current UDO that was recently adopted. In the current UDO, there is a permitted use in the B-5 District which is primarily located along sections of Route 70 in the southern part of the Township. And that permitted use is permitted as a conditional use in the B-5 District is age restricted multi-family housing. Because it is defined as a conditional use, what that means is that it is permitted, but there are certain conditions that are attached, certain things such as size of the lot, setbacks, other types of things that would be required to allow this use to be there. When you go to the UDO, and when this was being formulated over a period of months and years with various committees, there was a lot of give and take, back and forth, and inadvertently, there were actual conditions that were specified in some of the original drafts of the Ordinance that were not incorporated in the final adopted version. So this would be a corrective measure, to allow for the age restricted housing in the B-5 Zone, but establish reasonable conditions. It would not be allowed in every single lot, every single place, every single property, within the B-5 Zone, just those areas that meet the conditional use requirement.

Mayor Cunliffe confirmed that the next course would be to instruct the Attorney to prepare an Ordinance for first reading to do the amendment to that B-5 Zone.

Mr. Slachetka advised they have been working with the Attorney's Office and a draft has been prepared. They have also recently received comments from Mr. Lines which can be incorporated into the Ordinance. They should have a final Ordinance very quickly.

Mayor Cunliffe stated they are doing nothing that is not in keeping with existing patterns of development in that corridor.

Mr. Slachetka answered that is correct.

As there were no further questions, the B-5 presentation ended.

ORDINANCES FOR DISCUSSION: None

COMMENTS FROM THE PUBLIC will be heard for a limit of one half-hour. Each speaker will have four (4) minutes at the podium.

Mayor Cunliffe opened the meeting to the public.

Larry Simons, Schoolhouse Court – Commented with regard to Kettle Creek Recreation Complex, and the ownership of land within the boundaries of the project. Asked questions about the acquisition of properties, and the funding for the acquisitions.

Mayor Cunliffe explained that a written response will be forthcoming once the answers are received from the professionals.

James Waters, 1275 Old County Line Road – Suggested that the Committee consider looking at the footprint of every cemetery in Lakewood. Mr. Waters also made reference to other matters causing some unrest in the community.

Mayor Cunliffe suggested a meeting between Mr. Waters, Mr. Lines and Mr. Bateman to explore some of the specific concerns to see what can be done to address the issues.

Bill Hobday, Schoolhouse Lane – Congratulated Mayor Cunliffe and Mr. Coles on their victory in the recent election.

Larry Simons – Commented on his presentation on September 15th with regard to his previous request for information concerning the contract with JCA Associates.

Mr. Edwards explained that a Resolution was adopted regarding the appointment of T & M Associates as Township Planner, who took over for JCA Associates.

Seeing no one else wishing to be heard, Mayor Cunliffe closed the meeting to the public.

CONSENT AGENDA

The below listed items are considered to be routine by the Township of Lakewood and will be enacted by one Motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

1. Resolution authorizing Bingo and Raffle Applications:
2. Resolution authorizing award of County Contract to Grandturk Equipment Co., for the purchase of an Elgin street sweeper, sum not to exceed \$ 135,562.00.
Resolution No. 2005-415
3. Resolution authorizing a Leave of Absence Without Pay to Jeanette Kaminek for the time period of October 25, 2005 through November 29, 2005.
Resolution No. 2005-416
4. Resolution canceling any and all taxes, penalties and interest due on Block 1587 Lot 1233.02/C100B.
Resolution No. 2005-417
5. Resolution canceling any and all taxes, penalties and interest due on Block 1248 Lot 427.03/C100C.
Resolution No. 2005-418
6. Resolution canceling any and all taxes, penalties and interest due on Block 1248 Lot 494.02/C100B
Resolution No. 2005-419

7. Resolution accepting the bid on Block 178 Lot 1, Block 179 Lot 1 and vacated portion of Old Road as a result of a public land sale.
Resolution No. 2005-420
8. Resolution requesting an extension of time for the Maple Avenue, Second Street and Squankum Road intersection, Phase 2 Projects.
Resolution No. 2005-421
9. Resolution authorizing appropriation transfers in the 2005 Municipal Budget.
Resolution No. 2005-422
10. Resolution authorizing the extension of a Change Order No. 1 in connection with a project known as Electronic Document Storage and Retrieval System.
Resolution No. 2005-423
11. Resolution authorizing approval and submission of Lakewood Urban Enterprise Zone Five Year Zone Development Plan to the New Jersey Urban Enterprise Zone Authority for the Fiscal Years 2005-2010.
Resolution No. 2005-424

Motion by Mr. Coles, second by Mr. Miller, to approve Resolutions 1 through 11 on the Consent Agenda.

On Roll Call – Affirmative: Mr. Miller, Senator Singer, Mr. Coles, Deputy Mayor Lichtenstein and Mayor Cunliffe

Resolution Nos. 2005-415 through 2005-424 – Adopted.

RESOLUTIONS NOT INCLUDED ON THE CONSENT AGENDA

Resolution endorsing the Petition for Initial Plan Endorsement and designating the Township Administrator and Township Planner to submit the Petition and execute the Planning and Implementing Agreement.

Motion by Deputy Mayor Lichtenstein, for purpose of discussion, second by Mr. Miller.

Deputy Mayor Lichtenstein commented that as they are passing a Resolution to Endorse... to go ahead with the Plan Endorsement.....what he does not think it says in the Resolution is that if there are some minor changes, and the public may decide to comment on it, and the Planner decides to include it, they would want to have it included. He just wanted that included in the Resolution.

Deputy Mayor Lichtenstein was advised it was part of the process.

Deputy Mayor Lichtenstein wanted to make it clear.

On Roll Call – Affirmative: Mr. Miller, Senator Singer, Mr. Coles, Deputy Mayor Lichtenstein and Mayor Cunliffe.

Resolution No. 2005- 425 – Adopted.

ORDINANCE FOR FIRST READING

- An Ordinance of the Township Committee of the Township of Lakewood in the County of Ocean, State of Jersey, amending and supplementing Chapter XVIII of the Township of Lakewood Code entitled "The Lakewood Township Unified Development Ordinance of 2005" establishing conditions for Age-Restricted Multi-Family Housing, a conditional use in the B-5 Zone.

Read by title only for first reading.

The above Ordinance was offered by Mr. Coles, second by Mr. Miller.

On Roll Call – Affirmative: Mr. Miller, Senator Singer, Mr. Coles and Mayor Cunliffe.

Abstain: Deputy Mayor Lichtenstein

Ordinance No. 2005-111 adopted on first reading. Second reading and public hearing to be held on December 1, 2005.

MOTION TO APPROVE BILL LIST OF: 11/8/05

Motion by Mr. Coles, second by Mr. Miller, to approve the above Bill List.

On Roll Call – Affirmative: Mr. Miller, Mr. Coles, Deputy Mayor Lichtenstein and Mayor Cunliffe.

Negative: Senator Singer

Bill List approved.

CORRESPONDENCE – None

COMMENTS FROM COMMITTEE MEMBERS

Mr. Miller congratulated Mayor Cunliffe and Committeeman Coles on their victory in the recent election.

Senator Singer also congratulated Mayor Cunliffe and Committeeman Coles on their victory in the recent election.

Deputy Mayor Lichtenstein congratulated Mayor Cunliffe and Committeeman Coles on their victory in the recent election.

Mayor Cunliffe thanked the voters of Lakewood for giving them a chance to serve for another three years.

ADJOURNMENT

Motion by Mr. Coles, second by Mr. Miller, and carried, to adjourn the meeting. Meeting adjourned at 9:05 P.M.